

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

October 26, 2021 at 2:00 p.m.

1.	21-21864 -C-13	GUNVANT PATEL	MOTION TO DISMISS CASE
	RDG -3	Gabriel Liberman	10-8-21 [40]

Final Ruling: No appearance at the October 26, 2021 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(2) procedure which requires 14 days' notice. The Proof of Service shows that 18 days' notice was provided. Dkt. 43.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

<p>The hearing on the Motion to Dismiss is continued to December 14, 2021, at 2:00 p.m.</p>
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The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on August 16, 2021.

The debtor filed a Response representing that no amended plan was filed because the debtor was in the process of objecting to three proofs of claim. Those Objections have been filed and are set for hearing November 23, 2021. The debtor argues an plan will depend on the outcome of those Objections.

DISCUSSION

In light of the three Objections filed, the court shall continue te hearing on this Motion to December 14, 2021.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are
stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13
case filed by the Chapter 13 Trustee, Russell

October 26, 2021 at 2:00 p.m.

Greer, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that hearing on the Motion to Dismiss is continued to December 14, 2021, at 2:00 p.m.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 18 days' notice was provided. Dkt. 81.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on August 16, 2021.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 70, 71.

The Motion also argues debtor is \$200.00 delinquent in plan payments, which is supported by declaration. Dkt. 80.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 18 days' notice was provided. Dkt. 31.

The Motion to Dismiss is XXXXXXXX

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because (1) the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on September 14, 2021; (2) the debtor has not provided the trustee with a copy of his most recent tax return; and (3) the 341 Meeting has not been concluded because the debtor has not provided proof of identity, proof of social security, or certain required financial documents.

A review of the docket shows that the 341 Meeting has now been concluded. But, no amended plan has been filed and set for confirmation hearing.

At the hearing, XXXXXXXXXXXXXXXX

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are
stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13
case filed by the Chapter 13 Trustee, Russell
Greer, having been presented to the court, and
upon review of the pleadings, evidence,
arguments of counsel, and good cause
appearing,

IT IS ORDERED that the Motion to
Dismiss is XXXXXXXXXXXXXXXX

4. [21-23194](#)-C-13 KENNETH/BONNIE AKINS
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-23-21 [[12](#)]

DEBTOR DISMISSED: 9/27/21

Final Ruling: No appearance at the October 26, 2021 hearing is required.

The above captioned case was dismissed on September 27, 2021. Dkt. 14.
Therefore, the Order to Show Cause is discharged as moot.

The court shall issue a minute order substantially in the following form
holding that:

Findings of Fact and Conclusions of Law are stated in
the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the
court, and upon review of the pleadings, evidence, arguments
of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is
dismissed as moot.